

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)
	) MB Docket No. 16-357
Entercom License, LLC	) Facility ID No. 65483
Applications for Renewal of License for Station	) File Nos. BRH-20050728AUU
KDND(FM), Sacramento, California	) and BRH-20130730ANM

To: Chief Administrative Law Judge

**OPPOSITION TO  
ENTERCOM LICENSE LLC'S MOTION TO DISMISS RENEWAL  
APPLICATIONS AND TERMINATE HEARING**

Media Action Center and Sue Wilson (“Petitioners”), by their attorney, here note their opposition to the Motion to Dismiss Renewal Applications and Terminate Hearing, submitted by Entercom License, LLC (“Entercom”) on February 8, 2016. We can all agree that the renewal applications for Station KDND (FM) have been rendered moot by the return of the authorization for cancellation. But otherwise, the Motion places the cart before the horse. Important issues in hearing remain to be resolved, before the proceeding may end.

Petitioners sought an issue against Entercom with respect to the renewal of four other stations in the Entercom Sacramento LLC, offering probative evidence that the lapses of oversight and control leading to the homicide of Jennifer Strange and ultimately to this hearing were deficiencies actually located at the group level, not at the station level. Entercom's opposition did not submit anything like sufficient

evidence to overcome the validity of the showing, *prima facie*, for the addition of this issue. The dismissal of the KDND renewals does nothing to avert the need for this issue to be considered on the merits with respect to the four other stations, in light of all the evidence.

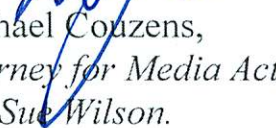
Petitioners also sought the addition of an issue, to determine whether Entercom possessed the requisite character to remain a Commission licensee. Entercom brought this issue upon itself, in pleadings leading up to the Hearing Designation Order, by advancing the deceptive claim that Entercom (generically) was not held negligent in the special verdict of the wrongful death jury. Petitioners showed, with the jury form itself, that the jury found Entercom Sacramento LLC to be negligent, and found that such negligence was the proximate cause of the harm to Jennifer Strange. Aside from Entercom's lack of candor in masking this fact, we argued that the misuse of a licensed station to cause the negligent homicide of a listener must be regarded as a substantial and serious “character” issue automatically, if the concept of character is to have any meaning.

The character issue is separable from the station cluster issue because the judge could combine them, as applied to the five stations, or the judge could decide that character issues are raised with respect to Entercom, focusing on KDND, the facts set forth in the HDO and the already designated issues. Either way the character issue needs to be added and explored at hearing. Dismissal of the case prematurely would

bar that needed analysis. Moreover, even if a dismissal occurred after hearing, but before an initial decision, a dismissal with character issues unresolved would have lasting significance for this licensee, in reporting and in future renewals, assignment and transfers, as it definitely should in all these circumstances.

For these reasons, we respectfully request that action on the motion, as it seeks to terminate the hearing, should be dismissed or denied without prejudice to its being raised again, once the chief administrative law judge has ruled on Petitioner's pending motion to enlarge issues, and thereafter until all future proceedings are concluded.

Respectfully submitted,



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and Sue Wilson.*

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February 10, 2017.

**CERTIFICATE OF SERVICE**

I, Michael Couzens, certify that on February 10, 2017, the foregoing Opposition to Entercom License LLC's Motion to Dismiss Renewal Applications and Terminate Hearing was served by e-mail to the following:

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